



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/830,447

04/27/2001

Peter James Duffett-Smith

41253

7010

7590 09/19/2007  
Roylance Abrams Berdo & Goodman  
1300 19th Street, N.W.  
Suite 600  
Washington, DC 20036-2680

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

09/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 09/830,447	<b>Applicant(s)</b> DUFFETT-SMITH ET AL.	
	<b>Examiner</b> Sharad Rampuria	<b>Art Unit</b> 2617	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 01 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Please see appended folio.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

***Response to Remarks***

Applicant's arguments filed on 08/01/2007 have been fully considered but they are not persuasive.

***Relating to Claim 1:***

In view of the fact, that **KELLEY** teaches, "The DPLL is made agile by the combination of tuning the radio receiver and loading the corresponding beacon's current phase value (from the beacon data table 170) into a digital numerically controller oscillator (NCO) 260 (FIG. 4)." (Kelley, Col.8; 29-32), which *corresponds* to the claimed limitation as "combining the acquired data and calculating the list of offsets relative to the common reference." Obviously, determining via combining data from plural receivers to create a list, let alone a list of offsets at a given location relative to a common reference, (Kelley, Col.8; 29-32), is precisely as applicant is rely upon (Applicant's Specification (filed on 04/27/2001), Page.10; 28-Page.11; 20), that fortunately, anticipated by **KELLEY**. Hence, it is believed that ***KELLEY still teaches the claimed limitations.***

Additionally, that DUFFETT-SMITH, PETER teaches, "a position determining system, for receiving digital telephone signals transmitted by a number of transmission sources (BTS). The system has a pair of receiving stations (CBU and CRU), one at a known position (O) and another on a roving object (R); a position determining processor (CPP); and means for passing a link signal (L1 and L2), from each of the receiving stations to the position determining processor, the link signal containing information about the signals received at the receiving station from the transmission sources. Each of the receiving stations is arranged to receive the

Art Unit: 2617

signals from the respective transmission sources substantially simultaneously. The position determining processor is arranged to compare the information received from the one receiving station with the information received at the other receiving station, and to determine the time delay between the respective signals received at both receiving stations in order to determine the position of the roving object.” (DUFFETT-SMITH, PETER, Abstract), which *corresponds* to the claimed limitation as “acquiring data from plural receivers, the positions of which may be known or determined, the data from a receiver comprising offsets in time, phase, frequency, or derivatives thereof, respectively of signals received from the transmission sources relative to a reference source in each receiver or to each other.” Obviously, determining via combining data from plural receivers to create a list, let alone a list of offsets at a given location relative to a common reference, (DUFFETT-SMITH, PETER, Abstract), is precisely as applicant is rely upon (Applicant’s Specification (filed on 04/27/2001), Page.10; 28-Page.11; 20), that fortunately, anticipated by DUFFETT-SMITH, PETER. Hence, it is believed that DUFFETT-SMITH, PETER *still teaches the claimed limitations*.

In response to applicant's argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (e.g., Their positions, in fact, are calculated as a by-product of generating the list (e.g. by solving the set of non-linear equations set out in WO/73813 at equations 10-14), or they can be positionally determined by subsequent use of the list.) **are not recited in the rejected claim(s)**. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 2617

The above arguments also recites for the claims 2, 8-9, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

/Sharad Rampuria/  
Patent Examiner  
Art Unit 2617